

# Multistakeholderism in the EU's Trade Governance<sup>1</sup>

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## Executive summary

1. **This policy paper aims to contribute practical insights and recommendations to the intense debate on engagement of stakeholders in the European Union's trade policy.** The EU is currently facing **increasing demand for a constructive dialogue with stakeholders on trade.** In response, several new measures are being implemented or planned at the moment. These 'policy windows' allow for certain short-term as well as longer-term policy adjustments.
2. **A well-functioning multistakeholder arrangement** involves representation of diverse opinions, balanced participation, accountability of the stakeholders and the multistakeholder body towards each other and to the wider public, as well as enabling stakeholders to make meaningful contributions in the consultations. It should lead to improved cooperation and understanding among stakeholders, as well as practical contribution to policies. **Currently, the EU has difficulties in all these aspects.**
3. While some of the EU's multistakeholder mechanisms have good potential, overall, **the EU's current system for consultation is disjointed and weak.** The EU does not offer a similar level of engagement at all stages of decision-making, to all stakeholders, on all topics in all trade deals, impairing continuity and quality of consultations. Existing dialogue mechanisms often fail to produce specific outputs, or their recommendations are not taken into account. The EU should adopt a **holistic approach, identifying and filling the gaps in the overall consultation system.**
4. **The EU does not have a clearly defined range of stakeholders to be consulted on trade;** the circle varies from case to case. Consistent and inclusive use of the concept of multistakeholderism is recommended.
5. The **main systemic challenges** that the EU faces in its dialogue with stakeholders on trade include:
  - a) lack of information about the impact of the

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EU's trade deals; b) not adequately involving all partners at all stages in the consultation process; c) in certain cases, excessive fragmentation of consultation mechanisms in the framework of a single agreement; d) low impact of stakeholders' recommendations and weak accountability; e) uneven patterns of stakeholder engagement; f) misperceptions and lack of communication existing between governmental and non-governmental stakeholders from the EU and partner countries; and g) excessive pro-business bias.

6. The **main procedural challenges** include: a) lack of resources and inequality among stakeholders; b) limited organizational support available to multistakeholder mechanisms; c) insufficient transparency and publicity of consultation mechanisms; d) non-transparent stakeholder selection; and e) insufficient engagement with national level stakeholders.

7. The **main recommendations for improving systemic conditions for dialogue** include a) harmonizing the definition of 'stakeholder' and aiming for universal multistakeholder approach; b) 'filling the gaps' in the overall consultation system; c) implementing the

principle of "one agreement, one civil society body"; d) strengthening EU institutions' own capacity for engagement with stakeholders; e) more assertive enforcement and stronger follow-up to multistakeholder bodies' decisions; f) reconsidering the adversarial, 'civil society vs. government' approach, particularly in relations with the partner countries; g) promoting horizontal ties among stakeholders; as well as h) building mutual awareness and promoting differential approach to partner countries.

8. The **main recommendations for improving procedural aspects of multistakeholderism** include: a) changing the principles of stakeholder support; b) changing incentives for stakeholders to participate in consultation mechanisms; c) enhancing publicity and providing 'one stop shop' information on participation opportunities; d) engaging stakeholders proactively and e) more efficiently; and f) strengthening engagement with stakeholders on the national level. **It is crucial to align the consultations in the field of trade with general standards set in, among others, 2017 Better Regulation Toolbox.**

Over the last two years the public debate around trade policy has intensified – and not just in Europe. [...] Policy makers in democratic systems have to listen to that debate, understand it and respond to it. [...] I see this debate as an opportunity to look hard at some of our approaches and update them where needed.

– Cecilia Malmström, "TTIP and Beyond: EU Trade Policy in the 21st Century,"  
New York, 25 September 2015

**This policy paper aims to contribute to the intense debate on engagement of stakeholders in the European Union's trade policy by providing practical insights and recommendations.** Participation of diverse stakeholders in trade policy-making has become a highly topical issue, with European Commission President Jean-Claude Juncker promising to increase openness of trade policy and new approaches being discussed and planned at this very moment. Among the recent developments are the new Group of Experts on EU Trade Agreements and a new 15-point plan (non-paper) of the Commission services on improving the implementation and enforcement of Trade and Sustainable Development chapters in trade agreements which includes multiple points on transparency and engagement with stakeholders.<sup>1</sup> Stakeholder engagement will become all the more important, as the scope of the EU's trade agreements with third countries keeps expanding, new agreements are concluded, and new principles such as gender equality are included therein. **In light of these new initiatives, it is a good moment to evaluate current practices and discuss possible short-term as well as longer-term policy adjustments.**

**The EU's current system for engaging stakeholders specifically in the field of trade is disjointed,** even though some EU's multistakeholder mechanisms are well-established and the EU has laid down advanced guidelines on consultations.<sup>2</sup> There are numerous formal and informal points of access to the system. None of the formal options offers a direct and reliable opportunity

for stakeholders' views to be channelled into policies. The very multitude of options, channels and venues to attend is confusing and taxing on stakeholders who wish to make use of them, and opinions voiced at one consultation platform or one policy-making stage often have to be repeated in other platforms or at other stages. **The system is also weak** on several accounts. In some cases, certain stakeholders are excluded or preferred over others for no apparent reason. Consultations often take place for the sake of consulting, without a clear *finalité*. While the Commission itself recognizes that stakeholders' input can improve quality of decisions, the outcomes of these consultations are not necessarily converted into policies, and there is lack of accountability. The challenge, thus, is not only to improve individual consultation mechanisms but also to streamline the overall system.

**This paper focuses on the formal mechanisms operating in the framework of the EU's trade policy,** including Civil Society Dialogue (CSD); Domestic Advisory Groups (DAGs) and Joint Civil Society Dialogue Fora (JCSDF) (and equivalent bodies) established by trade agreements; and diverse consultative groups. In addition, the role of informal participation of private businesses and other stakeholders is highlighted where feasible. Since the European Commission's Directorate-General for Trade (DG TRADE) is the main body responsible for trade policy and, as such, the main counterpart for various stakeholders, most conclusions apply specifically to this DG. See also Table 1.

Table 1. DG TRADE's mechanisms for dialogue with stakeholders discussed in the paper

| Mechanism  | Description   |
|--|---|
| <b>Domestic Advisory Groups (DAGs)</b>                                       | Introduced under 'new generation' agreements to monitor implementation of Trade and Sustainable Development (TSD) chapters. Exist on both EU and partners' side   |
| <b>Civil Society Dialogue (CSD)</b>  | European Commission's oldest and most universal mechanism for engagement with civil society: created in 1999, same year as DG TRADE. 494 registered organizations as of September 2018. Ad hoc meetings as reaction to major developments |
| <b>Online public consultations</b>   | Organized through "Your Europe" online portal. Open to all interested parties   |
| <b>Group of Experts on EU Trade Agreements</b>                               | Established in 2018, envisaged as a high-level initiative for liaison with major EU-level organizations and networks. 28 members + 1 observer, meets every 2 months   |
| <b>Other consultative committees, expert groups, business contact groups</b> | Convened by the Commission; both formal and informal  |
| <b>Bilateral meetings</b>  | Informal, take place throughout policy-making cycle   |

Source: author's compilation

## 1. What is multistakeholderism and why is it important?

While there is no single generally accepted definition of **multistakeholderism** either in the EU practice or in academic literature, we can broadly define it as "policy processes which allow for the participation of the primary affected stakeholders, or groups of these who represent different interests."<sup>3</sup> Criteria for a 'good' multistakeholder arrangement are given in p. 2. Multistakeholderism is an advanced form of participatory democracy. As such, it cannot replace representative democracy, but is **generally accepted as a solution, if not the solution, to the infamous 'democracy deficit.'**

Multistakeholderism has become a norm in conduct of international trade – not only in the EU but also on the global level. However, this norm is not yet universal, nor does it mean complete equality of various stakeholders

in practice. **The EU does not offer similar possibilities of contribution to policy-making process at all stages of decision-making, to all stakeholders, on all topics in all trade deals** (please see table 2 in p. 3.b.). Engagement in its current shape is more frequently information relay from the institutions to stakeholders, rather than a real possibility for interest representatives to shape policies. Moreover, while some stakeholders do maintain dialogue with EU institutions, others feel disappointed with the results and resort to protests. **Albeit complete equality of non-governmental stakeholders and EU institutions is neither feasible nor necessary, there is space for the EU to improve the level and quality of engagement with various groups.**

The EU itself has already recognized the importance of opening its trade policy up for

discussion with stakeholders. If done well, there are **two main benefits: improved quality of the policies and improved legitimacy**. Quality-wise, the groups directly engaged in trade activities or influenced by them can offer invaluable insights. Legitimacy-wise, dramatic politicization of the EU's trade policy means that citizens are increasingly aware of trade's impact on them as well as the outside world and demand changes. In order to harness stakeholders' expertise and alleviate their concerns, existing consultation mechanisms must be made more inclusive, efficient, accountable and public.

We should also clarify the link between terms **'multistakeholderism' and 'civil society'**. Both, in essence, are vague. Understanding of 'civil society' in the EU is normally limited to non-profit associations with a legal personality. In contrast, 'multistakeholderism' is a broader term. 2017 Better Regulation Toolbox defines the following stakeholder categories: citizens, businesses, trade, business and professional associations, non-governmental organisations, consultancy, research and academia, organisations representing regional, local and municipal authorities, other public or mixed sub-national entities, as well as national and international public authorities. This list is not exhaustive; indeed, we can add social movements without a legal personality, third country governments, as well as EU member states and EU institutions themselves.

'Multistakeholderism' is the term preferred in this paper: while the EU often prefers to focus on 'civil society', it does not fully reflect the realities of EU governance, which is open, and should be open, not only to associations, but also to other

types of stakeholders. While in practice some dialogue mechanisms are currently open to civil society only, they should also be understood as (imperfect) multistakeholder arrangements. In future, **use of 'multistakeholderism' is recommended** as a more accurate and potentially more attractive term to *all* sides involved.

## 2. What is a 'good' arrangement for consulting multiple stakeholders?

The following criteria for a **meaningful stakeholder arrangement**, developed by Jeremy Malcolm, offer a good start:

- 1) Engaging the 'right' stakeholders, meaning that **the views of all groups with a significant interest in a policy are represented**. The stakeholders should be ready and willing to engage in the deliberation.
- 2) **Balanced participation** of stakeholders. The balance has to be found individually in each case; the purpose is to ensure that a single stakeholder does not dominate the debate, particularly if others have, for instance, more legitimacy or greater vested interest in an issue.
- 3) **Accountability** of the multistakeholder body and individual stakeholders to each other. It means that the multistakeholder body is legitimate in the eyes of stakeholders and honest in balancing all sides' interests; in turn, stakeholders can demonstrate that they can legitimately contribute their views (for instance, because they represent broad constituencies or possess relevant expertise).<sup>4</sup>

We can also identify two additional points:

- 4) **Political, institutional and legal environment which enables stakeholders** to develop positions on policy issues, take part in consultations and have impact on policies. This presupposes, among other things, opportunities for continuous engagement, availability of financial and technical resources, clear information, logistical support and professional moderation of the meetings, access to the media, and accountability of governmental institutions to multistakeholder input.
- 5) **Accountability of multistakeholder fora to the wider public.** This means that complete information on the operation of these fora is available to the wider public and the processes of recruiting their members, discussions themselves and incorporation of the outcomes into policies are transparent. Engagement with the media is a necessary condition.

The EU faces certain issues with all five points, as will be seen from the rest of this paper. In addition, a key pitfall is **the absence of a clearly defined and universally respected objective for multistakeholder mechanisms**, which also complicates development of benchmarks by which these mechanisms can be evaluated.<sup>5</sup>

We can distinguish **two possible outcomes / contributions** of multistakeholder bodies that are, in principle, possible (alone or simultaneously). **Ideally, both should go hand-in-hand.** These are:

- 1) **'tangible' contribution** of stakeholders to development, adoption and implementation of policies which means that multistakeholder forum comes to certain conclusions that are brought to the attention of policy-makers through **vertical dialogue** and, preferably, translated into policy (or rejected while still ensuring accountability).
- 2) **'intangible' improvement** of cooperation and understanding among stakeholders through **horizontal dialogue**. It may eventually enable them to find a consensus or compromise which can be communicated to policy-makers; however, even if this is not the case, increased mutual awareness is a sign of improved policy environment.

To sum up, we can **evaluate a multistakeholder arrangement** using both procedural criteria (five points outlined above) and performance-based benchmarks (improved cooperation and understanding among stakeholders, as well as practical contribution to policies). The remainder of the paper will assess the mechanisms operating in the EU according to these standards, as well as current perspectives and further recommendations for their improvement. Both challenges and opportunities are subdivided into 'systemic' issues which have more fundamental impact but are also more resilient to change, and 'procedural' issues that cannot, in themselves, solve all problems that multistakeholderism in the EU faces, but are somewhat more manageable.



### 3. Systemic challenges

These are fundamental challenges affecting the functioning of the consultation process as a whole. Their resolution calls for political will and, in some cases, legal adjustments.

#### 3.a Lack of information about the impact of the EU's trade deals

##### recomm. 5d, 6c, 6f

There is **lack of legitimate and independently acknowledged information about the impact of EU's trade policy**. As 2014 report by the European Court of Auditors (ECA) showed, in practice mandatory impact assessments (different types) were carried out only in a limited number of cases and used unreliable methodology. The ECA concluded, "Policymakers, stakeholders and European taxpayers are therefore insufficiently informed of the main advantages and disadvantages of the different trade policy options and of whether the implemented policy delivered its intended results."<sup>6</sup>

Experts argue that **the EU lacks clear "development criteria, indicators and measurement" to assess the developmental impact of its trade deals.**<sup>7</sup> Although the Commission maintains that "the sustainable development chapters (TSD chapters) of EU FTAs have, in broad terms, worked well,"<sup>8</sup> independent studies show that the situation on the ground has not improved or indeed, has deteriorated. Through improving assessment methodology, the Commission would be able to provide more credible arguments in favour of its policies.

#### 3.b Weak links in the consultation process throughout policy-making cycle

##### recomm. 5b, 5d

**Consultations with stakeholders must continue throughout the policy-making cycle** in order to ensure continuity. While a uniformly high level of engagement throughout the process would, of course, be taxing resource-wise and not necessarily feasible, policy failure is even more taxing. Gaps in consultations with stakeholders at certain stages in the policy process mean loss of contact which can be difficult to renew. As a result, if the end policy significantly differs from what stakeholders helped to design, we can expect problems in ratification and implementation. However, as table 2 demonstrates, gaps indeed exist. While there are procedural factors at play, it would also take significant political will and commitment to streamline the whole process. Several aspects can be highlighted here:

##### 'Blind spots' in consultations

- **Weak formal stakeholder engagement** at the **stages** of negotiations, ex post assessment, as well as enforcement and dispute settlement.
- **Weak formal stakeholder engagement** by such **institutions** as the Council, the Parliament, the European External Action Service and many individual Member States.
- **Weak or non-existing stakeholder engagement** in the '**first generation**' **agreements**<sup>2</sup> and stand-alone investment agreements; relatively weak engagement under GSP/GSP+ schemes; lack of

coordination in engagement with other trade partners.

### Lack of information and coordination

- **Low and incomplete availability of information**, especially with regard to the process of negotiations, functions of different multistakeholder mechanisms and their operation, informal institutions' meetings with stakeholders, etc.
- Strong **informal** engagement with stakeholders at various stages and by various institutions, where the issue is **lack of transparency**.
- Unclear **division of responsibilities** between DG TRADE and other Commission services, as well as between the Commission and other governmental bodies at the EU and national level.

Table 2. Consultation and dialogue mechanisms on trade policy, by institution and policy-making stage

|   | General strategic debate and agenda-setting   | Proposal and ex ante assessment  | Negotiations   | Conclusion and ratification                              | Implementation   | Monitoring of implementation and ex post assessment   | Enforcement and dispute settlement  |
|---|---|--|--|--|--|---|---|
| <b>European Commission*</b>   | CSD (seldom); Group of Experts (GoE) on EU Trade Agreements; other expert groups; Citizens' Dialogues in member states; ad hoc meetings; European Economic and Social Committee (EESC) opinions | Online public consultations; GoE on EU Trade Agreements; other expert groups; 'scoping exercises' & impact assessments (also incl. consultations) – some agreements only; possibility to give input to SIAs – some agreements only; CSD; EESC opinions | Meetings with stakeholders; online public consultations; GoE on EU Trade Agreements; environmental and social studies conducted; updates published after each round; EESC opinions | Meetings with civil society and other interested parties | Market Access Committee – open to business participation; in some cases, partners participate in implementation, e.g. as contractors | Monitoring: GoE on EU Trade Agreements; other expert groups; DAGs – economic, labour and environmental rights only – some agreements only; GSP+ Monitoring Process and stakeholder participation in GSP Review; interim or ex post assessment: some countries only; feedback through review clauses and on annual FTA implementation reports; EESC opinions | DAGs can suggest signatories on their respective sides to initiate complaint procedure regarding implementation of the TSD chapters; some agreements only |
| + Expert groups; informal contacts; separate consultations with social partners, European Services Forum, Trans-Atlantic Business Council etc. – throughout the process |   |  |  |  |  |   |   |

<sup>2</sup> The 'first generation' agreements were concluded by the EU prior to 2011 and did not include provisions on consultations with stakeholders, with the sole exception of the 2008 EU-CARIFORUM agreement.



|   |  |  |  |                                  |   |  |   |
|---|--|--|--|----------------------------------|---|--|---|
| <b>European External Action Service</b> | Mostly ad hoc; civil society roadmaps exist for engagement with civil society but do not always touch on trade issues or stipulate a structured dialogue on these topics   |  |  |                                  |   |  |   |
| <b>Council</b>                          | Ad hoc, non-transparent; Council Committees seem to prefer dealing with business to other stakeholders   |  |  |                                  |   |  |   |
| <b>Individual member states</b>         | In general, no single approach; member states consult stakeholders and are lobbied as a gateway to the Council; stakeholders lobbying 'big' and 'old' MS have more chances to succeed at the EU level thanks to these states' greater influence. Some attempts to coordinate dialogue of individual member states with third country stakeholders (also prioritized by civil society roadmaps) |  |  |                                  |   |  |   |
| <b>European Parliament**</b>            | Hearings; INTA Monitoring Groups and Sub-Committees; ad hoc engagement including public events (may be organized by individual groups or MEPs) (role of the Parliament very limited at this stage)   | Hearings; ad hoc engagement; INTA Monitoring Groups and Sub-Committees | Hearings; some lobbying; INTA Monitoring Groups and Sub-Committees | Some lobbying; ad hoc engagement | Hearings, ad hoc engagement (role of the Parliament very limited at this stage) | Hearings; INTA Monitoring Groups and Sub-Committees; ad hoc engagement including public events (may be organized by individual groups or MEPs) (role of the Parliament very limited at this stage) | (Role of the Parliament very limited at this stage) |
| <b>Stakeholder-to-stakeholder</b>       | Cooperation and competition; mostly ad hoc + sectoral NGO platforms' meetings + joint projects; EU-to-EU, third country-to-third country, EU-to-third country  |  |  |                                  |   |  |   |
| <b>Third countries and stakeholders</b> | Patterns of engagement very individual; from developed consultation mechanisms to ad hoc to none; some dialogue initiatives are promoted / supported by the EU   |  |  |                                  |   |  |   |

\* Only DG TRADE considered here: due to 'silo mentality,' different DGs do not have a well-developed cooperation among themselves

\*\* Only INTA considered here: due to 'silo mentality,' different committees do not have a well-developed cooperation among themselves

Source: author's compilation

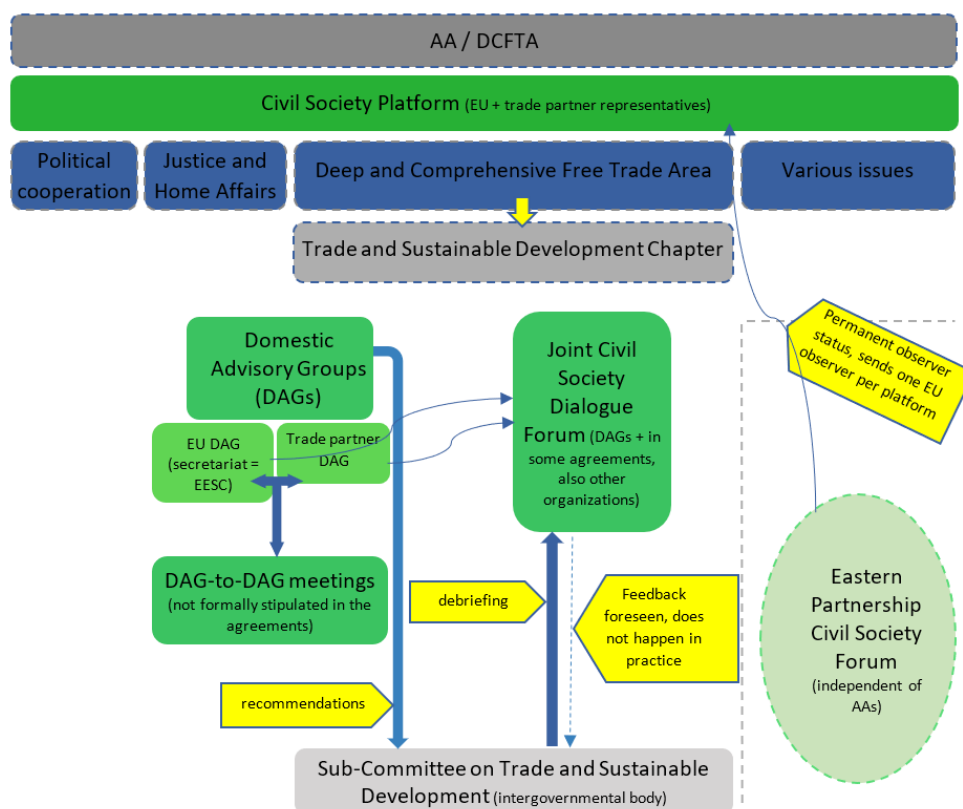
### 3.c Excessive fragmentation of consultation mechanisms in the framework of a single agreement (some cases)

#### recomm. 5c

**There is a plethora of dialogue mechanisms with very similar titles which confuse observers and participants alike.** To take an Association Agreement (AA) with Georgia, Moldova or Ukraine as an example, we have a Domestic Advisory Group on the EU side, a DAG on the partner country side, joint DAG-to-DAG meetings (which are not formally stipulated in the agreements), Joint Civil Society Dialogue Forum on Trade and Sustainable Development as well as Civil Society Platform which, in principle, deals with the agreement as a whole, but in practice

frequently turns to sustainable development-related issues. The EU's civil society roadmap (2014-2017, new one still under development), while not particularly ambitious and clear on the issue of trade specifically, foresaw support to civil society's engagement in dialogue on sustainable development and overall closer engagement in dialogue with the EU Delegation.<sup>9</sup> To add to the confusion, an unrelated, EU-created civil society body – Eastern Partnership Civil Society Forum also delegates representatives to bilateral Civil Society Platforms established under AAs. One can easily understand why a stakeholder from the EU or, for instance, Georgia, might feel uncertain about which advisory bodies to apply to and which ones to lobby.

Chart 1. Fragmentation of consultation mechanisms in the framework of a single agreement: the case of AAs / DCFTAs with Georgia, Moldova and Ukraine



Source: author's drawing, partially based on the scheme from "Trade and Sustainable Development Chapters in EU Trade Agreements," TSD Experts Group Meeting Brussels, 6 July 2017 Unit D.1 – DG TRADE, <http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetailDoc&id=33780&no=3>

### 3.d Low impact of stakeholders' recommendations and weak accountability

**recomm. 5b, 5d, 5e, 6c, 6e**

#### **Stakeholders' recommendations are not always translated into policies, and accountability of governments is weak.**

For instance, while DAGs are supposed to participate in overseeing implementation of TSD provisions, in practice they often do not have the possibility to state their case to the governmental bodies and are merely debriefed about discussions at the official level. Similarly, the DAGs cannot utilize the usual dispute settlement procedures foreseen in the agreements; even the 'light' version specific to the TSD chapters has never been triggered. Thus, the stakeholders are essentially rendered powerless. Within DG TRADE, there are no clear algorithms for using outputs of either the Civil Society Dialogue or online consultations.<sup>10</sup> The process of transposing stakeholders' recommendations into policies remains non-transparent and at the discretion of the EU institutions and partner governments.

### 3.e Uneven patterns of stakeholder engagement

**recomm. 5a, 6b, 6c, 6d**

Not all partner countries are equally popular among the EU's stakeholders. For instance, while business is highly interested and well represented in the Domestic Advisory Group with Korea (12 out of 20 EU DAG members in 2016-2018), this has not been the case with

Georgia which only had five EU DAG members in 2016-2018, among them one representative of business. Similarly, while some negotiations, such as TTIP or to a lesser degree CETA, come under intense scrutiny with stakeholders aggressively competing among themselves, other deals such as the new EU-Japan agreement or the modernised EU-Mexico trade agreement largely pass 'under the radar' of public scrutiny even if institutions such as the EESC do initiate the debate. It would be better for both quality and legitimacy of EU's policies if the current 'wax and wane campaign' mode was replaced by **more consistent, frequent and comprehensive stakeholder engagement throughout agreements**, but conditions for this must be in place.

### 3.f Misperceptions and lack of communication: relations between EU and partner countries' representatives, government and non-governmental stakeholders

**recomm. 5f, 5g, 5h, 6c**

In the field of trade, it is particularly important to **engage with stakeholders from third countries on the basis of mutual respect and understanding**. While the EU does recognize the importance of understanding the local context, several challenges are observable. First, the EU is insufficiently sensitive to the fact that partner countries often have different multistakeholder structures that operate by different principles. There is also a tendency to overestimate the independence and pro-democratic orientation of civil society in

partner countries. Additionally, communication among different groups of stakeholders in partner countries, as well as between **partners' governmental bodies and stakeholders** is often weak. Many governments are not, in fact, interested in having a TSD chapter and civil society monitoring mechanisms, and view them as a nuisance or imposition. Also, EU-initiated civil society mechanisms are often the first time when diverse interests from third countries, such as employers and labour, sit at the same table.

Finally, there is also **marked 'teacher-student' dynamic** at play in EU's relations with partner countries that **inhibits mutual understanding and erodes mutual respect**. Discussions in civil society mechanisms are almost exclusively dedicated to the partner countries' adjustment to the EU standards, **without raising the issue of how the EU could adjust its policies to better fit the partners' needs**. Realities in the partner countries are not always understood by EU stakeholders, and there is a certain lack of mutual respect and camaraderie between stakeholders from the EU and partner countries.

### 3.g Excessive pro-business bias

#### recomm. 5a, 6d

Business representatives are the most traditional and accepted interlocutor in the sphere of trade; they are also better represented in and more satisfied with EU's multistakeholder consultation mechanisms on trade policy. Although there should be no artificial ceilings on engagement with business, at the moment

there is an **excessive institutionalization of the EU-to-business relationship while other players sometimes are excluded from the talks**. Some of the examples are the Market Access Advisory Committee and the Trade Policy Committee of the Council, where evidence shows they are open to business but not to other stakeholders.<sup>11</sup> In addition, business is the most frequent participant in informal meetings with EU institutions. **The quality and public image of EU's engagement with stakeholders would benefit from greater inclusiveness** while continuing to respect the business interests.

## 4. Procedural challenges

These challenges to dialogue with stakeholders are easier to resolve than the systemic ones, although in several cases, adaptation would require not only putting new procedures in place but also investing resources in making them fully functional.

Table 3. DG TRADE's mechanisms for dialogue with stakeholders – main procedural challenges by mechanism

| Mechanism for dialogue with stakeholders                                     | Comments   |
|--|--|
| <b>Domestic Advisory Groups (DAGs)</b>                                       | DAG membership is expected to be balanced between economic, labour and environmental interests, which in practice is not the case. Environmental interests are underrepresented, while a significant proportion of organizations self-identify as 'other.' DAGs have no legal power to affect the implementation process. Partner countries tend not to take into account their recommendations; DAGs themselves are not particularly productive in issuing ones. There is "little evidence that vigorous monitoring has been conducted." <sup>12</sup> In many partner countries DAGs do not exist, are weak or lack independence. There are no legal provisions for joint DAG-to-DAG meetings, relations between EU and non-EU DAGs are weak   |
| <b>Civil Society Dialogue (CSD)</b>  | It is more technical than strategic, topics are often selected by the Commission. It is mainly debriefing by the Commission not two-way dialogue; often takes place after respective decisions have already been taken. Due to its debriefing nature, the CSD does not generate clear outputs for Commission's work, nor is there a specific mechanism within the Commission to channel the outputs into policies. There is a possibility for the CSD members to prepare 'position papers,' but, since it is unclear whether and how these would be used, only a few organizations use this option. Observations show that only about 5 to 20% of registered organizations attend each meeting. The CSD is oriented at 'representative' organizations; universities and academics cannot register in the CSD database. Meetings take place in English only, with no translation offered, and approx. 50% of all organizations come from Brussels (2014). The Commission is not proactive in engaging stakeholders on specific topics <sup>13</sup> |
| <b>Online public consultations</b>   | May gather excessive number of responses, thus being very taxing to analyse (especially open-ended questions) or may not gather a sufficient number of responses to be representative. <sup>14</sup> It can be difficult to obtain balanced input from various groups. The system may be intentionally abused. Sometimes too difficult for target groups to understand terminology-wise. Summaries of results and follow-up measures are not always published  |
| <b>Group of Experts on EU Trade Agreements</b>                               | Paradoxically very limited in membership and consists of EU-level organizations but is ambitiously tasked with advising on "perception and public debate" on trade agreements and in particular with providing insight into national-level debate. Overall very broad and somewhat unclear mandate. Some stakeholders argue the number of participants is still too large to get their message across  |
| <b>Other consultative committees, expert groups, business contact groups</b> | Non-transparent. Sometimes engage with non-governmental stakeholders but the criteria are not clear, nor are the steps that must be taken to be invited to a meeting   |
| <b>Bilateral meetings</b>  | Non-transparent. Approx. 70% of the meetings take place with business representatives. <sup>15</sup> Only data about meetings with Commissioners and most senior civil servants is public  |

Source: author's compilation

#### 4.a Lack of resources and inequality among stakeholders

##### recomm. 6a, 6d, 6f

Lack of resources and inequality among stakeholders are some of the key problems stakeholders are facing right now. Financial resources are essential to:

- Enable professional representatives to analyse EU's policies and engage with EU's representatives (all the more important since EU institutions often prefer to receive proposals of high legal and technical quality which fit the overall EU *acquis*),
- Enable organizations to meaningfully engage with their members and dedicate time to accumulating opinions and seeking compromises.

In practice, EU and partner countries' stakeholders, especially non-economic interests, are struggling to find resources to fulfil these two functions – a problem that will become all the more important as the involvement of stakeholders is expanding. For example, the Commission is concluding new trade agreements, expanding the mandates of the DAGs to monitoring implementation of entire agreements not just TSD chapters, and including new principles in future agreements such as gender equality. **The need to provide funding for research and analysis** has often been raised.<sup>16</sup>

**Disparity in access to resources leads to underrepresentation of certain (groups of) stakeholders.** Stakeholders from the 'new,'

**'small' and less prosperous EU member states,** as well as many partner states' representatives, are less active in lobbying and less likely to be heard. **Out of 494 organisations included in the DG TRADE's civil society database** (which gives rights to participate in the Civil Society Dialogue and Domestic Advisory Groups), **only 10, or 2%, are registered in the countries that have joined the EU in or after 2004.** Out of these 13 countries, 8 are not represented by any organisation. In addition, the EU's partners and their stakeholders have widely unequal resources to defend their interests. Third country governments seldom support their representatives to attend stakeholder consultation mechanisms such as DAGs, which has resulted in partners being severely underrepresented in meetings held in the EU or elsewhere in their own regions. New hopes are set on the project worth EUR 3 million and funded by the EU's Partnership Instrument which aims to support the functioning of civil society mechanisms and was supposed to start in spring 2018 (later postponed). However, it is important to support not only the (few) participants of formal civil society mechanisms but also other third country representatives who wish to take part in the debate.

#### 4.b Limited organizational support available to civil society mechanisms

##### recomm. 5d, 5e, 6c, 6d, 6e, 6f

**Currently, existing mechanisms can dedicate only a limited time and organizational capacity to debate.** DAG meetings on the EU



side normally take place three times a year for several hours. Joint Civil Society Dialogue Forum normally takes place once a year and the Civil Society Platform meets twice a year, both last for one day. Since the actual time of meetings is so short, statements adopted at the end tend to include points which were not raised or were discussed only partially during the day. Stakeholders cannot take advantage of dedicated field trips and informal networking opportunities. While the EESC provides secretarial services to the EU DAGs and joint meetings, **partner countries normally do not have secretariats for their DAGs**, which diminishes their efficiency, hampers information exchange and obstructs communication between EU and non-EU stakeholders.

#### 4.c Insufficient transparency and publicity of consultation mechanisms

##### recomm. 5c, 6c, 6d

Nominally, the EU has reached quite a high level of transparency in its trade policy: for instance, the Commission has recently promised to publish all negotiating mandates, to extend stakeholders' oversight role to entire trade agreements not merely TSD chapters, and to upgrade 'first generation' free trade agreements by including provisions on openness and dialogue with civil society. However, **transparency of the Council's operation and of various Commission's expert groups and bilateral meetings can and should be improved**. The recently started negotiations on a mandatory Transparency Register for the

Council, the Commission and the Parliament are very important and potentially promising in this regard.

In addition, **the EU's efforts for engaging stakeholders are not getting sufficient public attention**. For instance, Civil Society Dialogue meetings at the Commission have been closed to the press; the main modes for communication about the meetings are press releases, social media and information on DG TRADE's website, which are controlled by the Commission and do not offer full insight into the intricacies of the debate. Similarly, the meetings of Domestic Advisory Groups, Civil Society Fora etc. are closed to the media and are not accompanied by dedicated engagement opportunities such as press conferences. **This situation is paradoxical – mechanisms dedicated to transparency and communication with society are well shielded from public scrutiny.**

#### 4.d Non-transparent stakeholder selection

##### recomm. 6b, 6c

There are two possible criteria of selecting partners for dialogue:

- 1) focusing on 'representative' large civil society organizations, preferably pan-European networks, which are supposed to be the aggregate voice of large constituencies (narrow understanding of representativeness);
- 2) selection on the basis of diversity and content (added value) of views that can be brought in by the stakeholders, regardless of their size and scope.

Currently, the EU in general and DG TRADE in particular often gravitate towards the first approach. Key formal dialogue mechanisms, including the Civil Society Dialogue, the Domestic Advisory Groups and the new Group of Experts on EU Trade Agreements, **are closed to individual businesses and academics, universities and certain other players.** The Group of Experts, in particular, only includes “European-level, non-governmental organisations.”<sup>17</sup>

Instead, **we should evaluate representativeness of the system of consultations using alternative criteria** – organizations’ ability to voice main ideas on the public good which exist in the society, to effectively present the real people’s experiences and to improve the quality of policies (where academics in particular can provide a valuable contribution).<sup>18</sup> **The EU should pay more attention to diversity and content of views represented in the dialogue regardless of the specific form of stakeholder who voices them.**

Finally, the **selection of stakeholders is insufficiently transparent on the side of both the EU and partner countries.** For instance, the ‘Call for Expressions of Interest in participation in EU Domestic Advisory Groups’ issued in March 2018 was not publicized on DG TRADE’s social media, nor was it advertised in a prominent place on its website. Under such conditions it is no surprise that the Commission encountered difficulties in recruiting a sufficient number of candidates for some of the DAGs. Moreover, the decision on whom to select is taken by the

Commission. On the partner side, governments frequently dictate which organizations are recruited to the civil society mechanisms.

#### 4.e Insufficient engagement with national level stakeholders

**recomm. 6c, 6f**

**Strengthening engagement with stakeholders on the national level is becoming increasingly important**, as extreme politicization of trade deals in the last years has taken the debate to the member states. However, while the EU has recognized this imperative (in the ‘Trade for All’ communication in particular)<sup>19</sup>, **it has not yet followed up with adequate measures.**

### 5. Recommendations for improving systemic conditions for multistakeholderism

#### 5.a Harmonizing the definition of ‘stakeholder’ and aiming for universal multistakeholder approach

**issues 3e, 3g**

**The notion of stakeholders is used rather inconsistently across EU documents**, evidently due to underlying lack of clarity about who should be engaged, when and how. **It would benefit the EU’s functioning and public image to consistently use a broad definition of ‘stakeholder’** (as in the 2017 Better Regulation Toolbox) in order to secure the place of various interests around the table. It is also unfortunate that at the moment, **the term and practical approach of ‘multistakeholderism’ is only used incidentally and at a very low level**, such as

the Technical Committee for the EU Fair and Ethical City Award. The use of this concept, in documents and in practice, can certainly be expanded.

## 5.b 'Filling the gaps' in the overall consultation system

### issues 3b, 3d

As detailed in the point 3.2., the EU's engagement with stakeholders is not uniform throughout the process: there are major gaps at some policy-making stages, in some institutions and in relations with some third countries. **Streamlining the consultation process and 'filling the gaps'** is a very ambitious recommendation that would require a major effort and, ideally, close cooperation among various institutions engaged in trade policy. Some of the measures to be taken include:

- strengthening EU institutions' formal engagement with stakeholders and making informal engagement more transparent;
- as currently planned, upgrading 'first generation' agreements to include stronger clauses on stakeholder participation (and by all means preserving already existing provisions on dialogue);
- enhancing dialogue with third country stakeholders, especially in countries not party to 'first generation' agreements. This can be achieved in particular by updating civil society roadmaps to foresee a structured dialogue on trade issues;
- improving consultation opportunities on other trade policy issues such as trade disputes and trade sanctions against third countries;

- creating and strengthening mechanisms for dialogue after the proposal stage;
- creating channels for exchange of stakeholders' input between institutions;
- promoting horizontal stakeholder-to-stakeholder dialogue.

## 5.c "One agreement, one civil society body"

### issues 3c, 4c

This principle has been put forward by the European Economic and Social Committee, which suggests that "both follow-up and monitoring of signed agreements are combined into a single – institutionalised and adequately funded – structure."<sup>20</sup> **"One agreement, one civil society body"** would be a good response to the current extreme fragmentation of consultation mechanisms as detailed in the p. 3.c. In addition, newly created dialogue mechanisms at the EU level (such as the new Group of Experts on EU Trade Agreements) could be positioned as subgroups of the Civil Society Dialogue (and report to it), instead of standing separately.

## 5.d Strengthening EU institutions' own capacity for engagement with stakeholders

### issues 3a, 3b, 3d, 4b

The Commission and other EU bodies already face resource shortage affecting their ability to engage with stakeholders and source outside expertise. If existing gaps in the overall process of dialogue with stakeholders are filled, even more human and financial resources will be necessary. **For this reason,**

**it is crucial to strengthen the EU institutions' own capacity to engage with stakeholders, in particular by delegating more officers to manage the dialogue, summarize outputs and ensure that these are taken on board within the EU policy-making system.** This capacity strengthening should also include, in particular, conducting **public opinion surveys**. The last special Eurobarometer survey dedicated to international trade was carried out in 2010; however, comprehensive surveys provide a wealth of statistically representative data that complements the information offered by stakeholders.

#### 5.e More assertive enforcement and stronger follow-up

##### issues 3d, 4b

In their 2018 Non paper, the Commission services promised 'more assertive enforcement' of the TSD chapters, 'enabling' civil society mechanisms to perform monitoring functions and making better use of the dispute settlement mechanisms. **Since civil society mechanisms under TSD chapters are currently lacking credibility, these promises must be delivered upon.**

It is also essential to ensure **accountability**: making sure that stakeholders' views are conveyed to policy-makers and reporting back to multistakeholder mechanisms on how their recommendations have been implemented in practice or why the EU and partner governments have decided not to implement them. The EU needs clear algorithms through which

stakeholders' recommendations feed into the policy-making process and publicly available information on which suggestions have been adopted or rejected and why. Absence of a reverse link may lead to '**consultation fatigue**,' when stakeholders withdraw from dialogue because they do not see added value in it.

Finally, it is possible to improve the quality of follow-up by **linking decisions of multistakeholder bodies to the EU's financial programming**. Currently, even advisory bodies overseeing implementation of agreements do not discuss how the EU's financial assistance for implementation is spent. It should be possible, however, to hold such a discussion and take these bodies' recommendations into account when deciding on the usage of the funds.

#### 5.f Reconsidering the adversarial, 'civil society vs. government' approach

##### issue 3f

**To increase policy effectiveness, it may be practical to reconsider the 'civil society vs. government' approach** which is especially visible in the case of multistakeholder bodies established in the framework of EU trade agreements. The EU may **allow not only for stakeholder-to-stakeholder meetings but also for dialogues where both independent and government, or quasi-government, stakeholders are present**. In practice, non-governmental players in the EU's partner countries frequently cannot act as watchdogs due to their inability to exercise influence on their

governments and, sometimes, outright hostility on the part of their administrations. Therefore, engagement with government representatives may prove more productive. While it may also raise doubts about co-optation, professional mediation at the meetings and appropriate communication about them should alleviate at least some of these concerns.

#### 5.g Promoting horizontal ties among stakeholders

##### issue 3f

This obligation is stipulated in the Treaty on EU but is not sufficiently implemented in practice.

**Networking among business and non-economic interests on trade issues is scarce.** Lack of dialogue augments mutual mistrust and slows down elaboration of common positions, which makes the work of multistakeholder bodies less efficient and effective. Some resource-efficient measures to stimulate horizontal dialogue could include organizing joint field trips to partner countries for business and non-economic stakeholders, more in-person consultations in the form of roundtables and adding informal networking opportunities to the official programmes of consultations.

#### 5.h Building mutual awareness

##### issue 3f

Mutual awareness and informedness is key to make multistakeholder mechanisms effective and efficient, because it aids in building mutual understanding and developing tailor-made solutions. It is particularly important in

settings where asymmetry between the EU and third countries exists, to make sure that the opinions of smaller and weaker actors from partner states are heard. To some extent, this issue could be addressed by capacity-building measures such as **dedicating more resources to field trips and EU-to-partner meetings**. Better liaison between the EU's and member states' delegations in partner states, their headquarters and stakeholders would also be important.

### 6. Recommendations for improving procedural aspects of multistakeholderism

#### 6.a Changing the principles of stakeholder support

##### issue 4a

In line with the idea of more inclusive debate where the stakeholders are valued for the content (added value) of their contribution rather than their organizational form or the number of members they claim to represent, **the EU should change the ways it supports non-governmental players in order to enable a broader range of organizations to take part in consultations**. Moreover, to enable sustained and committed stakeholder involvement, **the EU should extend the number of operational and long-term grants** in contrast to its currently preferred model of short-term, one-off-event financing.



## 6.b Changing incentives for stakeholders

### issues 3e, 4d

Currently, stakeholders take part in consultations on a **purely voluntary basis**, and there is a real risk of what one practitioner dubbed ‘DAG fatigue.’ **Providing material incentives**, such as reimbursement of costs incurred during participation, possibly per diems and micro-grants for analytical work or surveys of their organizations’ members, would be helpful in attracting a more diverse and engaged pool of stakeholders to bodies which require sustained commitment, such as Domestic Advisory Groups. This should apply to EU and partner countries’ stakeholders alike.

## 6.c Enhancing publicity and providing ‘one stop shop’ information

### issues 3a, 3d, 3e, 3f, 4b

**Multi-stakeholder mechanisms need a massive publicity strategy offering a voice not only to the organizers (the EU) but also to the participants themselves.** Press conferences, interviews on the margins of meetings and more engagement with content produced by stakeholders are all useful strategies. In parallel with stepping up publicity efforts, the EU should also ensure that **the information about existing multistakeholder arrangements is clear, simple and easily accessible.** Currently, information about various consultation mechanisms is scattered among multiple websites, is not always complete and up-to-date. What is needed is a **‘one stop shop’ information service**, where stakeholders can easily access

various participation opportunities, identify the specific stage a decision is in at the moment, responsible officers and their contact persons, apply for participation in the meetings, suggest own initiatives etc. Ideally, this would entail collaboration between all the different EU institutions engaged in trade policy-making as well as partner countries.

## 6.d Engaging stakeholders proactively

### issues 3e, 3g, 4a, 4b, 4c

Taking into account the complexity of the EU’s multistakeholder mechanisms, fragmented information on various participation opportunities and stakeholders’ limited resources, **it is essential to engage stakeholders in a proactive manner.** This means identifying stakeholders which might potentially be interested to contribute to a consultation process and addressing them in an appropriate way: using diverse forms of communication and providing them with easily understandable information about the topic. While this need is recognized in the EU’s Better Regulation Toolbox, in practice, the EU’s current model favours well-resourced and well-connected organizations, since others may never learn about participation opportunities. In order to implement this recommendation, **stakeholder mapping** / drawing of an expert register is necessary.



## 6.e Engaging stakeholders more efficiently

### issues 3d, 4b

Good management allows to maximise the results of meetings. While complete list of recommendations lies well beyond the scope of this paper, below are some points:

- **“Different types of meetings to meet different needs”<sup>21</sup>**: current mechanisms attempt to cover a wide range of specific topics within a limited timespan and with a very broad and diverse stakeholder membership. In addition to plenary-style sessions where a broad range of questions is addressed it would be useful to organize meetings in smaller subgroups, parallel sessions etc. in order to have a more productive debate and clearer output.
- Producing **analytical background papers** in order to explain complex concepts and enable the meetings to focus on more specific topics, and discussion papers which offer new or provocative ideas. Such papers can be produced by members of stakeholder bodies or outsourced.
- Having **qualified moderators / mediators** which dedicate time to engage with each participant individually before meeting the group, use **advanced discussion techniques**, help the group to reach consensus and formulate specific recommendations.
- **Engaging in support roles dedicated experts** who can help with, for instance, drafting meeting documents, incorporating stakeholders’ suggestions and ensuring the wording of the final text fits EU legal acts.

- Providing **secretarial support to partner countries’ multistakeholder bodies**.
- Producing **realistic working plans** as well as **interim / final reports**.
- Ensuring better **continuity between meetings**, inter alia by engaging stakeholders in their preparation in advance.<sup>3</sup>
- Increasing use of **e-consultation platforms** as a complement, not replacement, for in-person contacts. Advanced platforms can help with maintaining continuity between meetings, multilingual solutions, citizen engagement and more.

## 6.f Strengthening engagement with stakeholders on the national level

### issues 3a, 4a, 4b, 4e

Without prejudice to member states’ competence, the EU should be more ambitious in **strengthening engagement with stakeholders on the national level in national languages**. These can take the form of increasing the number of existing Citizens’ Dialogues, empowering members of the European Parliament and European Economic and Social Committee to engage with the national publics, subcontracting organization of discussions to national-level stakeholders, etc. In addition, it is crucial to provide **translation of events and documents that are related to consultations with stakeholders into the languages of the EU and, especially, its partner states**.

## Conclusions

The European Commission can be commended for the recent initiatives to improve openness of its trade policy-making, create a dedicated Group of Experts on EU Trade Agreements, discuss the operation of civil society mechanisms under the Trade and Sustainable Development chapters and provide financial support to these mechanisms. However, these measures are not yet sufficient, and a broader overhaul of the Commission's consultation practices is needed. The EU should adopt a **holistic approach, identifying and filling the gaps in the overall consultation system**. Its current system for engaging stakeholders is disjointed, meaning that there is a multitude of sometimes overlapping mechanisms which nevertheless do not ensure continuity and similar possibilities of contribution to policies at all stages of decision-making, to all stakeholders, on all topics in all trade deals. Quality and legitimacy of EU decision-making would be improved by ensuring continuity between different policy-making stages as well as more equal possibilities of engagement

for diverse stakeholders. **It is important to adhere to a broad and inclusive definition of multistakeholderism when developing formal consultation mechanisms**. In addition, the EU faces **difficulties of a more technical nature** such as ensuring balanced representation of the views of all stakeholders, accountability and enabling political, institutional and legal environment. Horizontal dialogue among stakeholders is not supported to a sufficient degree, which hampers emergence of common positions. When recommendations are developed, they are not always heard by policy-makers, and there is no clarity about how, when and why they are adopted or rejected. Ensuring broad and efficient consultation with diverse stakeholders, mutual accountability and advanced communication with both stakeholders and broader public are some of the proposed measures which can improve quality and legitimacy of EU trade policies.

## Endnotes

- <sup>1</sup> Non paper of the Commission services “Feedback and Way Forward on Improving the Implementation and Enforcement of Trade and Sustainable Development Chapters in EU Free Trade Agreements,” 26.02.2018.
- <sup>2</sup> These include, among others, COM(2002) 704 final; COM(2002) 713 final; European Commission, “Better regulation “Toolbox”” [complements the better regulation guideline presented in SWD(2017) 350].
- <sup>3</sup> Jeremy Malcolm, “Criteria of Meaningful Stakeholder Inclusion in Internet Governance,” *Internet Policy Review* Vol. 4, Iss. 4 (2015), 2.
- <sup>4</sup> Jeremy Malcolm, “Criteria of Meaningful Stakeholder Inclusion in Internet Governance.”
- <sup>5</sup> See e.g. Jan Orbie, Deborah Martens, Myriam Oehri and Lore Van den Putte, “Promoting Sustainable Development or Legitimising Free Trade? Civil Society Mechanisms in EU Trade Agreements,” *Third World Thematics: A TWQ Journal* Vol. 1, No. 4 (2016); Jan Orbie, Deborah Martens and Lore Van den Putte, “Civil Society Meetings in European Union Trade Agreements: Features, Purposes, and Evaluation,” *CLEER Papers* 2016/3 (The Hague: T.M.C. Asser Instituut, Centre for the Law of EU External Relations, 2016).
- <sup>6</sup> European Court of Auditors, “Special Report No. 2: Are Preferential Trade Arrangements Appropriately Managed?,” 2014.
- <sup>7</sup> Karin Ulmer, “Trade Embedded Development Models,” *The International Journal of Comparative Labour Law and Industrial Relations* 31 No. 3 (2015), 314-6, 325.
- <sup>8</sup> Non paper of the Commission services, 26.02.2018.
- <sup>9</sup> Georgia EU Country Roadmap for Engagement with Civil Society 2014 – 2017, 21 July 2014.
- <sup>10</sup> Deloitte and Coffey International Development, “Evaluation of DG TRADE’s Civil Society Dialogue in order to Assess its Effectiveness, Efficiency and Relevance. Final Report,” 2014.
- <sup>11</sup> COM(2017) 654 final {SWD(2017) 364 final}; “List of participants – Member States and Commission, Market Access Advisory Committee – 17 November 2016,” [https://www.asktheeu.org/en/request/participant\\_list\\_for\\_the\\_market](https://www.asktheeu.org/en/request/participant_list_for_the_market)
- <sup>12</sup> Mirela Barbu et al., “A Response to the Non-paper of the European Commission on Trade and Sustainable Development (TSD) chapters in EU Free Trade Agreements (FTAs),” 26 September 2017.
- <sup>13</sup> Deloitte and Coffey International Development, “Evaluation of DG TRADE’s Civil Society Dialogue...”
- <sup>14</sup> See Opinion of the European Economic and Social Committee on the Evaluation of European Commission Stakeholder Consultations (own-initiative opinion), SC/040, Brussels, 2 July 2015, rapporteur: Ronny Lannoo.
- <sup>15</sup> Author’s calculations using data from Transparency International EU, “EU Integrity Watch,” <http://www.integritywatch.eu/>
- <sup>16</sup> See e.g. European Economic and Social Committee, Opinion: Trade and Sustainable Development Chapters (TSD) in EU Free Trade Agreements (FTA), REX/500, Rapporteur: Tanja Buzek.
- <sup>17</sup> C(2017) 6113 final.
- <sup>18</sup> Acar Kutay, “Limits of Participatory Democracy in European Governance,” *European Law Journal* Vol. 21, No. 6 (2015)
- <sup>19</sup> COM(2015)497.
- <sup>20</sup> European Economic and Social Committee, Opinion on The New Context for EU-CELAC Strategic Relations and the Role of Civil Society (own-initiative opinion), rapporteur: Mário Soares, co-rapporteur: Josep Puxeu Rocamora, REX/488, March 30, 2017.
- <sup>21</sup> Deloitte and Coffey International Development, “Evaluation of DG TRADE’s Civil Society Dialogue...”

*Selected further reading (also see endnotes)*

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